

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2016)
TO ESTABLISH THE NATIONAL LANDSCAPE CONSERVA-
TION SYSTEM, AND FOR OTHER PURPOSES

APRIL 8, 2008.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1084]

The Committee on Rules, having had under consideration House Resolution 1084, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2016, the National Landscape Conservation System Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All

points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and all points of order against the amendment in the nature of a substitute (except for clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 461

Date: April 8, 2008.

Measure: H.R. 2016.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for two amendments, separately debatable, by Rep. Bishop, Rob (UT), #15, providing that inclusion in the National Landscape Conservation System shall not hinder border security, and by Rep. Bishop, Rob (UT), #19, which provides that inclusion in the National Landscape Conservation System shall not hinder border security or enforcement of illegal immigration.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 462

Date: April 8, 2008.

Measure: H.R. 2016.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for three amendments, separately debatable, by Rep. Bishop, Rob (UT), #17, which ensures that the National Landscape Conservation System will be managed so as to ensure no net loss of firearm shooting ranges and off-range shooting opportunities within the System, #21 by Rep. Bishop, Rob (UT) which directs the Secretary of the Interior to ensure that hunting, fishing, recreational shooting and other existing uses remain a purpose and use of Bureau of Land Management lands included in the National Landscape Conservation System, and #25 by Rep. Bishop, Rob (UT), which provides that hunting, fishing, and trapping shall be permitted to the maximum extent practicable on federal lands within the National Landscape Conservation System and requires in an emergency situation consultation with State fish and wildlife agencies before putting into effect any regulations in these areas.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 463

Date: April 8, 2008.

Measure: H.R. 2016.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for three amendments, separately debatable, by Rep. Cannon (UT) #7, which directs the Secretary of the Interior not to include any counties in the National Landscape Conservation System if the county formally asks not to be included, an amendment by Rep. Bishop, Rob (UT), #9, which provides that Bureau of Land Management lands not included in the National Landscape Conservation System revert back to the State in which they are located, and an amendment by Rep. Bishop, Rob (UT), #22, which provides that all resident fish and wildlife in the National Landscape Conservation System are managed by State and local fish and game officials under State and local laws.

Results: Defeated 2–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 464

Date: April 8, 2008.

Measure: H.R. 2016.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ), #6, which provides that the codification of this National Landscape Conservation System does not authorize additional appropriations for the System.

Results: Defeated 2–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 465.

Date: April 8, 2008.

Measure: H.R. 2016.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Fossella (NY), #27, which adds a new title at the end of the bill consisting of the text of the Senate version of the Foreign Intelligence Surveillance Act.

Results: Defeated 2–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Grijalva (AZ): The amendment reiterates that nothing in the bill shall impede efforts by the Department of Homeland Security to secure the borders of the United States. (10 minutes)

2. Cannon (UT): The amendment provides that the National Landscape Conservation System Act does not create an independent federal legal cause of action based on inclusion in the System. (10 minutes)

3. Bishop, Rob (UT): The amendment strikes the preamble to the establishment of the National Landscape Conservation System. (10 minutes)

4. Bishop, Rob (UT): The amendment strikes Section 3(c)(2) and inserts language directing the Interior Secretary to manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b). (10 minutes)

5. Bishop, Rob (UT): The amendment provides that inclusion in the National Landscape Conservation System does not additionally restrict or hinder energy development within the System. (10 minutes)

6. Altmire (PA)/Carney (PA): The amendment provides that the bill does not in any way limit access for hunting, fishing, trapping or recreational shooting on the 27 million acres administered by the Bureau of Land Management. It also provides that H.R. 2016 does not in any way infringe on a state's right to manage, control or regulate its hunting, fishing, trapping and recreational shooting activities on these lands. (10 minutes)

7. Pearce (NM): The amendment provides that inclusion in the National Landscape Conservation System does not affect existing grazing rights or operations on those Bureau of Land Management lands. (10 minutes)

8. Walden (OR): The amendment strikes the Steens Mountain Cooperative Management and Protection Act of 2000 (PL 106-399) from the bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. 5. BORDER SECURITY.

Nothing in this Act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CANNON OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, at the end of line 23, insert the following: "In addition, nothing in this Act creates a Federal cause of action based on inclusion within the National Landscape Conservation System."

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, strike line 15 and all that follows through page 3, line 2, and insert the following:

(a) ESTABLISHMENT.—There is established in the Bureau of Land Management the National Landscape Conservation System.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, strike lines 5 through 11, and insert the following:

(c) MANAGEMENT.—The Secretary shall manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b).

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, at the end of line 23, insert the following: “Moreover, nothing in this Act is intended to additionally restrict or hinder energy development within the system.”

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ALTMIRE OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARLE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, at the end of line 23, insert the following: “Specifically, inclusion in the National Landscape Conservation System shall not affect current grazing rights or operations.”

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALDEN OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, strike lines 19 through 23.

Page 3, line 24, strike “(B)” and insert “(A)”.

Page 4, line 1, strike “(C)” and insert “(B)”.

Page 4, line 3, strike “(D)” and insert “(C)”.